

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Norfolk Division



UNITED STATES OF AMERICA) CRIMINAL NO. 2:11cr33
v.)
MOHAMMAD SAAILI SHIBIN,) 18 U.S.C. §§ 1651 and 2
a/k/a "Khalif Ahmed Shabin,") Piracy under the Law of Nations
a/k/a "Mohammad Ali,) (Counts 1 and 7)
a/k/a "Ali Jama,")
Defendant.) 18 U.S.C. § 1203(a)
) Conspiracy to Commit Hostage Taking
) (Counts 2 and 8)
) 18 U.S.C. §§ 1203(a) and 2
) Hostage Taking
) (Counts 3 and 9)
) 18 U.S.C. § 2280(a)(1)(H)
) Conspiracy to Commit Violence Against
) Maritime Navigation
) (Counts 4 and 12)
) 18 U.S.C. §§ 2280(a)(1)(A) and 2
) Violence Against Maritime Navigation
) (Counts 5 and 13)
) 18 U.S.C. § 1201(c)
) Conspiracy to Commit Kidnapping
) (Count 10)
) 18 U.S.C. §§ 1201(a)(2) and 2
) Kidnapping
) (Count 11)
) 18 U.S.C. §§ 924(c) and 2
) Use, Carry, Brandish, and Discharge
) of a Firearm During a Crime of Violence
) (Counts 6, 14, and 15)

SUPERSEDING INDICTMENT

August 2011 Term – At Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Piracy under the Law of Nations)

From in and around May 2010, until in and around January 2011, on the high seas, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a “Khalif Ahmed Shbin,” a/k/a “Mohammad Ali,” a/k/a “Ali Jama,” and others known and unknown to the Grand Jury, aided and abetted by one another, committed the crime of piracy as defined by the law of nations, and was afterwards first brought into and found and arrested in the Eastern District of Virginia in the United States.

(In violation of Title 18, United States Code, Sections 1651, 3238, and 2.)

COUNT TWO

(Conspiracy to Commit Hostage Taking)

From in and around May 2010, to in and around January 2011, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a "Khalif Ahmed Shibin," a/k/a "Mohammad Ali," a/k/a "Ali Jama," who was first brought to, arrested, and found in the Eastern District of Virginia in the United States, and others known and unknown to the Grand Jury, in an area outside the United States, did conspire with one another to seize, detain, and threaten to kill, to injure, and to continue to detain other persons, specifically M.D.M, M.J.I, P.S., H.S., D.S.R., O.D., G.U.A.K. C.B., A.S. T., R.V., P.G., A.P., J.S.C., P.R.A., D.T.H., S.K., D.P.G., B.B.S., S.D., S.S.D., B.M.R. and L.A.D., in order to compel a third person and a governmental organization to do and abstain from doing any act as an explicit and implicit condition for the release of the person detained, in violation of Title 18, United States Code, Section 1203(a).

Overt Acts

In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed:

1. On or about May 8, 2010, on the high seas, conspirators attacked and seized the M/V Marida Marguerite, a German-owned vessel with a crew of a crew of 19 Indians, two Bangladeshis, and one Ukrainian. The conspirators employed firearms, including a rocket propelled grenade (RPG) in the attack on the Marida Marguerite.
2. After seizing the Marida Marguerite, conspirators held the crew against their will and brought the vessel to an area off the coast of Somalia.
3. Some time after conspirators brought the Marida Marguerite to an area off the

coast of Somalia, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a "Khalif Ahmed Shibin," a/k/a "Mohammad Ali," a/k/a "Ali Jama," (hereinafter referred to as SHIBIN), came to the Marida Marguerite. SHIBIN, who was conversant in several languages, including Somali and English, served as a ransom negotiator for the conspirators. SHIBIN spoke with the owners/employees/agents of the Marida Marguerite in an effort to extract a ransom payment for the vessel and its crew.

4. In and around December 2010, SHIBIN successfully extracted a ransom payment from the owners of the Marida Marguerite. This ransom was subsequently dropped from an aircraft into the ocean near where the Marida Marguerite was held. Conspirators retrieved the ransom payment from the ocean.

5. In and around December 2010 or January 2011, SHIBIN received approximately \$30,000 to \$50,000 in United States currency as his share of the ransom payment for the Marida Marguerite.

(In violation of Title 18, United States Code, Sections 1203(a), 3238, and 2.)

COUNT THREE

(Hostage Taking)

From in and around May 2010, to in and around January 2011, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a “Khalif Ahmed Shbin,” a/k/a “Mohammad Ali,” a/k/a “Ali Jama,” who was first brought to, arrested, and found in the Eastern District of Virginia in the United States, aided and abetted by others, in an area outside the United States, seized, detained, and threatened to kill, to injure, and to continue to detain another person and persons, specifically, M.D.M, M.J.I, P.S., H.S., D.S.R., O.D., G.U.A.K. C.B., A.S. T., R.V., P.G., A.P., J.S.C., P.R.A., D.T.H., S.K., D.P.G., B.B.S., S.D., S.S.D., B.M.R. and L.A.D., in order to compel a third person and a governmental organization to do and abstain from doing any act as an explicit and implicit condition for the release of the person and persons detained.

(In violation of Title 18, United States Code, Sections 1203(a), 3238, and 2.)

COUNT FOUR

(Conspiracy to Commit Violence Against Maritime Navigation)

From in and around May 2010, to in and around January 2011, the defendant,
MOHAMMAD SAAILI SHIBIN, a/k/a “Khalif Ahmed Shibin,” a/k/a “Mohammad Ali,” a/k/a
“Ali Jama,” who was first brought to and arrested in the Eastern District of Virginia in the United
States, and others known and unknown to the Grand Jury, did conspire with one another to
unlawfully and intentionally seize and exercise control over a ship by force and threat thereof and
any other form of intimidation, in violation of 18 U.S.C. § 2280(a)(1)(A).

The activity alleged in this count involved a covered ship, as defined in 18 U.S.C. §
2280(e), and the offender was later found in the United States after such activity was committed.

(In violation of Title 18, United States Code, Sections 2280(a)(1)(H), 2280(b)(1), and 3238.)

COUNT FIVE

(Violence Against Maritime Navigation)

From in and around May 2010, to in and around January 2011, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a "Khalif Ahmed Shibin," a/k/a "Mohammad Ali," a/k/a "Ali Jama," who was first brought to and arrested in the Eastern District of Virginia, aided and abetted by others, did unlawfully and intentionally seize and exercise control over a ship by force and threat thereof and any other form of intimidation.

The activity alleged in this count involved a covered ship, as defined in 18 U.S.C. § 2280(e), and the offender was later found in the United States after such activity was committed.
(In violation of Title 18, United States Code, Sections 2280(a)(1)(A), 2280(b)(1), 3238, and 2.)

COUNT SIX

(Use, Carry, and Discharge a Firearm During a Crime of Violence)

On or about May 17, 2010, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a "Khalif Ahmed Shibin," a/k/a "Mohammad Ali," a/k/a "Ali Jama," who was first brought to and arrested in the Eastern District of Virginia, and others known and unknown to the Grand Jury, aided and abetted by one another, did knowingly and unlawfully use, carry, and discharge one or more firearms during and in relation to the commission of a crime of violence for which they may be prosecuted in a court of the United States, namely: the crimes charged respectively in Counts One through Five of this indictment, which description of each said crime of violence is re-alleged and incorporated by reference as if set forth in full herein.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A), 3238, and 2.)

COUNT SEVEN

(Piracy under the Law of Nations)

From on or about February 18, 2011, until on or about February 22, 2011, on the high seas, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a “Khalif Ahmed Shbin,” a/k/a “Mohammad Ali,” a/k/a “Ali Jama,” and others known and unknown to the Grand Jury, aided and abetted by one another, committed the crime of piracy as defined by the law of nations, and was afterwards first brought into and found and arrested in the Eastern District of Virginia in the United States.

(In violation of Title 18, United States Code, Sections 1651, 3238, and 2.)

COUNT EIGHT

(Conspiracy to Commit Hostage Taking)

From on or about February 9, 2011, to on or about February 22, 2011, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a "Khalif Ahmed Shibin," a/k/a "Mohammad Ali," a/k/a "Ali Jama," who was first brought to, arrested, and found in the Eastern District of Virginia in the United States, and others known and unknown to the Grand Jury, in an area outside the United States, did conspire with one another to seize, detain, and threaten to kill, to injure, and to continue to detain other persons, specifically United States citizens Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle, in order to compel a third person and a governmental organization, including, but not limited to, the United States of America as represented by the United States Navy and the Federal Bureau of Investigation, to do and abstain from doing any act as an explicit and implicit condition for the release of the person detained, in violation of Title 18, United States Code, Section 1203(a).

Overt Acts

In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed:

1. On or about February 18, 2011, on the high seas, conspirators, armed with firearms and a rocket-propelled grenade (RPG), boarded a United States flagged sailing vessel named the Quest and took the United States citizens on board (Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle) as hostages.
2. On or about February 18, 2011, conspirators on board the Quest steered a course for Somalia. Conspirators planned to take the Quest and the hostages on board to Somalia,

where the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a "Khalif Ahmed Shabin," a/k/a "Mohammad Ali," a/k/a "Ali Jama," (hereinafter referred to as SHIBIN), would commence negotiations for a ransom to be paid for the safe release of the hostages.

3. From on or about February 18, 2011, to February 22, 2011, conspirators on board the Quest held the four United States citizens as hostages.

4. From on or about February 20, 2011, to on or about February 22, 2011, conspirators on board the Quest told the United States Navy and the Federal Bureau of Investigation that they would not release the hostages and that negotiations for the release of the hostages could only commence when the defendants and their co-conspirators reached Somalia.

5. On or about February 19-20, 2011, defendant SHIBIN researched on the internet the hostages on the Quest to determine the amount of ransom to demand and the identity of family members of the hostages whom he could contact about the ransom.

6. On or about February 20, 2011, one of the conspirators on the Quest identified SHIBIN as the person responsible for negotiating the return of the hostages on board the Quest upon arrival of those hostages in Somalia.

7. On or about February 22, 2011, conspirator Ali Abdi Mohamed, a/k/a "Basher," fired a rocket-propelled grenade (RPG) in the vicinity of the USS Sterett.

(In violation of Title 18, United States Code, Sections 1203(a) and 3238.)

COUNT NINE

(Hostage Taking)

From on or about February 18, 2011, to on or about February 22, 2011, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a "Khalif Ahmed Shibin," a/k/a "Mohammad Ali," a/k/a "Ali Jama," who was first brought to, arrested, and found in the Eastern District of Virginia in the United States, aided and abetted by others, in an area outside the United States, seized, detained, and threatened to kill, to injure, and to continue to detain another person and persons, specifically, United States citizens Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay, and Robert Campbell Riggle, in order to compel a third person and a governmental organization, including, but not limited to, the United States of America as represented by the United States Navy and the Federal Bureau of Investigation, to do and abstain from doing any act as an explicit and implicit condition for the release of the person detained.

(In violation of Title 18, United States Code, Sections 1203(a), 3238, and 2.)

COUNT TEN

(Conspiracy to Commit Kidnapping)

From on or about February 9, 2011, until on or about February 22, 2011, within the special maritime and territorial jurisdiction of the United States, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a "Khalif Ahmed Shibin," a/k/a "Mohammad Ali," a/k/a "Ali Jama," who was first brought to and arrested in the Eastern District of Virginia in the United States, and others known and unknown to the Grand Jury, did conspire with one another to unlawfully seize, confine, inveigle, kidnap, abduct, and carry away and hold for ransom and reward United States citizens Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle, who were sailing an American yacht named the Quest, in violation of Title 18, United States Code, Section 1201(a)(2). In furtherance of this conspiracy and to effect the objects thereof, one or more co-conspirators did one or more overt acts, which overt acts are set forth in paragraphs 1 through 7 of Count Eight of this Indictment, which paragraphs are specifically incorporated and re-alleged as if set forth in full herein, and any such act against Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle was done within the special maritime and territorial jurisdiction of the United States.

(In violation of Title 18, United States Code, Sections 1201(c) and 3238.)

COUNT ELEVEN

(Kidnapping)

From on or about February 18, 2011, to on or about February 22, 2011, in the special maritime and territorial jurisdiction of the United States, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a “Khalif Ahmed Shibin,” a/k/a “Mohammad Ali,” a/k/a “Ali Jama,” who was first brought to, arrested, and found in the Eastern District of Virginia in the United States, aided and abetted by others, did unlawfully seize, confine, inveigle, kidnap, abduct, and carry away and hold for ransom and reward and otherwise a person and persons, specifically, United States citizens Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle, and any such act against the person was done within the special maritime and territorial jurisdiction of the United States.

(In violation of Title 18, United States Code, Sections 1201(a)(2), 3238, and 2.)

COUNT TWELVE

(Conspiracy to Commit Violence Against Maritime Navigation)

From on or about February 9, 2011, until on or about February 22, 2011, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a "Khalif Ahmed Shbin," a/k/a "Mohammad Ali," a/k/a "Ali Jama," who was first brought to and arrested in the Eastern District of Virginia in the United States, and others known and unknown to the Grand Jury, did conspire with one another to unlawfully and intentionally seize and exercise control over a ship by force and threat thereof and any other form of intimidation, in violation of 18 U.S.C. § 2280(a)(1)(A).

The activity alleged in this count involved a covered ship, as defined in 18 U.S.C. § 2280(e), and such activity was committed against and on board a ship flying the flag of the United States at the time the prohibited activity was committed, during the commission of such activity a national of the United States was seized and threatened, and the offender was later found in the United States after such activity was committed.

(In violation of Title 18, United States Code, Sections 2280(a)(1)(H), 2280(b)(1), and 3238.)

COUNT THIRTEEN

(Violence Against Maritime Navigation)

From on or about February 18, 2011, until on or about February 22, 2011, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a "Khalif Ahmed Shibin," a/k/a "Mohammad Ali," a/k/a "Ali Jama," who was first brought to and arrested in the Eastern District of Virginia in the United States, aided and abetted by others, did unlawfully and intentionally seize and exercise control over a ship by force and threat thereof and any other form of intimidation.

The activity alleged in this count involved a covered ship, as defined in 18 U.S.C. § 2280(e), and such activity was committed against and on board a ship flying the flag of the United States at the time the prohibited activity was committed, during the commission of such activity a national of the United States was seized and threatened, and the offender was later found in the United States after such activity was committed.

(In violation of Title 18, United States Code, Sections 2280(a)(1)(A), 2280(b)(1), 3238, and 2.)

COUNT FOURTEEN

(Use, Carry, and Brandish a Firearm During a Crime of Violence)

On or about February 18, 2011, on the high seas and within the special maritime and territorial jurisdiction of the United States, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a “Khalif Ahmed Shbin,” a/k/a “Mohammad Ali,” a/k/a “Ali Jama,” who was first brought to and arrested in the Eastern District of Virginia in the United States, and others known and unknown to the Grand Jury, aided and abetted by one another, did knowingly and unlawfully use, carry, and brandish one or more firearms, which firearm or firearms were machineguns and a destructive device, during and in relation to the commission of a crime of violence for which he may be prosecuted in a court of the United States, namely: the crimes charged respectively in Counts Seven through Thirteen of this Indictment, which description of each said crime of violence is re-alleged and incorporated by reference as if set forth in full herein.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and (B)(ii), 3238, and 2.)

COUNT FIFTEEN

(Use, Carry, and Discharge of a Firearm During a Crime of Violence)

On or about February 22, 2011, on the high seas and within the special maritime and territorial jurisdiction of the United States, the defendant, MOHAMMAD SAAILI SHIBIN, a/k/a “Khalif Ahmed Shibin,” a/k/a “Mohammad Ali,” a/k/a “Ali Jama,” who was first brought to and arrested in the Eastern District of Virginia in the United States, and others known and unknown to the Grand Jury, aided and abetted by one another, did knowingly and unlawfully use, carry, and discharge a firearm, which firearm was a destructive device, specifically, a rocket propelled grenade (RPG), during and in relation to the commission of a crime of violence for which he may be prosecuted in a court of the United States, namely: the crimes charged respectively in Counts Seven through Thirteen of this Indictment, which description of each said crime of violence is re-alleged and incorporated by reference as if set forth in full herein.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and (B)(ii), 3238, and 2.)

REDACTED COPY

United States v. Mohammad Saaili Shibin,
2:11cr33

A TRUE BILL:

REDACTED COPY

FOREPERSON

Neil H. MacBride
NEIL H. MACBRIDE
United States Attorney